



# Austin City Council MINUTES

REGULAR MEETING  
THURSDAY, MAY 14, 1998

Mayor Watson called the meeting to order, noting the presence of all Council Members.

1. Approval of Minutes for Regular Meetings of May 6 & 7, 1998.  
**Approved on Mayor Pro Tem Garcia's motion, Council Member Slusher's second, 6-0 vote, Council Member Goodman off the dais.**

## CITIZEN COMMUNICATIONS: GENERAL

2. Erik Lofgren, my feelings as a former homeless person.
3. Kenneth Snyder, to discuss North Ridge Acres.
4. Jon Hughes, to discuss mira momma, mira discipline.
5. John McMillan, the City should order the closing of all of the sexually illicit bathhouses of Austin.
6. Gus Pena, to discuss budgetary process and youth issues.
7. John Kunkel, to discuss sewer system priorities.
8. Richard R. Troxell, to discuss homelessness in Austin and Uganda Africa.
9. Kirk Becker, to discuss homeless issues.
10. Dave Schroeder, to discuss the impact of cars on the ozonosphere's depletion and the subsequent increase in ground ozone poisoning.

READING OF CONSENT AGENDA

READING OF DISCUSSION AGENDA

CITIZEN COMMUNICATIONS: CONSENT AGENDA

ACTION ON CONSENT AGENDA

ITEMS CONTINUED FROM PREVIOUS MEETINGS

11. Approve a resolution authorizing negotiation and execution of an agreement with Triangle Retail Ltd., a Texas Limited Partnership, for the construction of an 18-inch wastewater main and appurtenances to provide permanent wastewater service within and near the proposed Triangle Square tract with City cost reimbursement, in an amount not to exceed \$725,000. (Cost reimbursement in an amount not to exceed \$725,000.00 is subject to funding approval in future budgets of the Water and Wastewater Utility's Capital Improvement Project Funds in March, 2002.) [Not recommended by the Water and Wastewater Commission] [Related to Item 33]

**See action taken on item 33.**

**PUBLIC WORKS AND TRANSPORTATION**

12. Approve a resolution authorizing negotiation and execution of an Amendment to the Professional Services Agreement with CFX, INC., (MBE/MH), Austin, Texas, for design and construction phase engineering services to repair the Emmett Shelton Bridge on Red Bud Trail, in the amount of \$75,540, for a total amount not to exceed \$166,690. (Funding is available in the 1991-92 Amended Capital budget of the Public Works and Transportation Department.) 100% MBE Prime Participation. No M/WBE Subcontracting opportunities were identified.

**Resolution No. 980514-12 approved**

**AVIATION**

13. Approve a resolution authorizing a supplemental amendment to a Professional Services Agreement with RODRIGUEZ ENGINEERING LABORATORIES, (MBE/MH), Austin, Texas, for asphalt and material testing services at Austin-Bergstrom International Airport, in the amount of \$375,000, for total contract amount of \$615,000. (Funding was included in the 1997-98 Capital budget of the Aviation Department. 75% of eligible costs are eligible for future grant reimbursement.) 100% DBE Prime participation. [Recommended by Airport Advisory Board]

**Resolution No. 980514-13 approved**

Items 12 and 13 approved on Council Member Spelman's motion, Council Member Griffith's second, 7-0 vote.

14. Approve a resolution authorizing execution of a contract with FMC JETWAY SYSTEMS, Ogden, Utah, for supply and installing Loading Bridges/Ramp Services for Austin-Bergstrom International Airport, in the amount of \$10,441,486, plus a contingency of \$952,699, for a total amount not to exceed \$11,394,185, which includes the base bid, all estimates and contingency. (Funding for the Base Bid, Alternates 1 and 2, and contingency in the amount of \$10,479,685 is included in the 1997-98 amended Capital Budget for Aviation. Funding in the amount of \$914,500 for Alternate 3, for years 2, 3, 4, 5 & 6 will be included in the Aviation Department Operating Budget for service provided in years 1999-2004, contingent on future funding.) Low responsive bid of three. DBE Subcontractor participation: 4.40% MBE, 0.92% WBE. (To be reviewed by Airport Advisory Board on May 12, 1998.)

**Pulled off agenda**

**WATER AND WASTEWATER UTILITY**

15. Approve a resolution authorizing an application to the Texas Water Development Board (TWDB) for financial assistance from their State Revolving Fund Program to fund three reclaimed water projects in the north central and northeast parts of the community, in the amount of \$10,000,000. (Funding will be repaid from Water and Wastewater operating revenue. Estimated annual debt service is \$751,000.) [Recommended by Water and Wastewater Commission]

**Resolution No. 980514-15 approved**

16. Approve a resolution authorizing negotiation and execution of a contract amendment with MALCOLM PIRNIE, INC., Mahwah, New Jersey, to conduct Operations and Management Review (Phase II) of the Water and Wastewater Utility over a thirty-six month period in the amount of \$300,000, for a total contract amount of \$337,500. (Funding is included in the 1997-98 operating budget of the Water and Wastewater Utility.) 8.6% MBE, 18.2% WBE Subcontracting participation.) [Recommended by Water and Wastewater Commission]

**Resolution No. 980514-16 approved**

17. Approve a resolution authorizing Phase II (design) and Phase III (construction management) of professional services agreement with DANNENBAUM ENGINEERING CORPORATION, Austin, Texas, for the U.S. 183 at RM 620 Area Water and Wastewater Service Improvements project, in the amount of \$1,410,000, for a total contract amount not to exceed \$1,676,734. (Funding was included in the 1997-98 Capital budget of the Water and Wastewater Utility.) 11.46% MBE, 7.42% WBE Subconsultant participation. [Recommended by Water and Wastewater Commission]

**Resolution No. 980514-17 approved**

18. Approve a resolution authorizing execution of a construction contract with CAJUN CONTRACTORS, INC., Lewisville, Texas, for construction of the Green Water Treatment Plant Safe Drinking Water Act Phase II Improvements, in the amount of \$3,148,000 plus \$315,000 to be used as a contingency fund for change orders, for a total contract amount not to exceed \$3,463,000. (Funding was included in the 1997-98 Amended Capital budget of the Water and Wastewater Utility.) Low bid of four. 22.64% MBE, 9.58% WBE Subconsultant participation. [Recommended by Water and Wastewater Commission]

**Resolution No. 980514-18 approved**

#### **CONVENTION CENTER**

19. Amend Ordinance 970917-A, the 1997-98 operating budget of the Austin Convention Center, by increasing appropriations by \$1,200,000 in the Operating Reserve Fund and decreasing the ending balance by \$1,200,000 for the purchase of land located at 400 East Third Street.

**Ordinance No. 980514-A approved**

#### **FINANCE AND ADMINSTRATIVE SERVICE**

20. Approve a resolution authorizing execution of a twelve month supply agreement with METRO ISUZU TRUCK CENTER, Dallas, Texas, for the purchase of repair parts for the City's fleet of Isuzu refuse trucks, in an amount not to exceed \$40,000 with three twelve month extension options in an amount not to exceed \$40,000 per extension, for a total contract amount not to exceed \$160,000. (Funding in the amount of \$13,333 was included in the 1997-98 operating budget of the user departments. Funding for the remaining eight months of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of two. No M/WBE Subcontracting opportunities were identified.

**Resolution No. 980514-20 approved**

21. Approve a resolution authorizing execution of a contract with HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS Cooperative Purchasing Program for the purchase of one fire pumper truck, in the amount of \$320,661.78. (Funding is included in the 1997-98 Amended Capital budget of the Fire Department.)

**Resolution No. 980514-21 approved**

22. Approve a resolution authorizing execution of a contract with RIVER CITY RENTALS, Austin, Texas, to purchase ten Beavertail Implement Trailers to haul equipment and supplies for the Water and Wastewater Utility and Parks and Recreation Department, in an amount not to exceed \$118,590. (Funding in the amount of \$59,295 was included in the 1997-98 Capital budget of the Water and Wastewater Department; \$23,718 is available in the Vehicle Replacement Fund of the Finance and Administrative Services Department; and \$35,577 is available in the 1997-98 operating budget of

the Water and Wastewater Utility.) Low bid of six. No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

**Resolution No. 980514-22 approved**

### **NEIGHBORHOOD HOUSING AND COMMUNITY**

23. Set public hearings on the City's 1998-99 proposed Community Development Program and Federal Annual Consolidated Plan (ACP). The Annual Consolidated Plan serves as the application and plan for the use of four entitlement grants from the U.S. Department of Housing and Urban Development (HUD). The grants included in the ACP are: the Community Development Block Grant (CDBG); the HOME Investment Partnership Program; the Emergency Shelter Grant; and Housing Opportunities for Persons with AIDS (HOPWA). This action is required by the City's Citizen Participation Plan, federal regulations governing HUD grants, and Chapter 373 of the Texas Local Government Code. (Suggested dates and times: June 4, 1998 at 6:00 P.M. and June 11, 1998 at 6:00 P.M.)

Approved

### **INFORMATION SYSTEMS**

24. Approve a resolution authorizing execution of a twelve month service agreement with COMPLETE COMMUNICATION SERVICES, INC., dba CO COM CABLING SYSTEMS (WBE/FR) Pflugerville, Texas, to provide installation and modification of fiber optic cable on the City's Greater Austin Area Telecommunications Network, in an amount not to exceed \$350,000 with four twelve month extension options in an amount not to exceed \$300,000 per extension for a total contract amount not to exceed \$1,550,000. (Funding in the amount of \$50,000 was included in the 1997-98 Amended Information Systems Office Capital budget. Funding for the extension options is contingent upon available funding in future budgets.) Low bid of two. No M/WBE Subcontracting opportunities were identified.

**Resolution No. 980514-24 approved**

### **WATERSHED PROTECTION**

25. Approve a resolution authorizing negotiation and execution of an amendment to the Professional Service Agreement with the following engineering firms: RAYMOND CHAN & ASSOCIATES, INC., (MBE/MA), Austin, Texas; RESOURCE MANAGEMENT, INC., Austin, Texas; ESPEY HUSTON & ASSOCIATES, INC., Austin, Texas; CAMP DRESSER & MCKEE, INC., Austin, Texas; LOOMIS & ASSOCIATES, INC., Austin, Texas, for additional drainage, water quality and erosion control master planning and design professional engineering services, increasing each contract in the amount of \$500,000 for total contract amounts not to exceed \$3,000,000, for a total amount of all contracts not to exceed \$3,000,000. (Funding was included in the operating and capital budgets of the Watershed Protection Department.) RAYMOND CHAN & ASSOCIATES, INC., 80% MBE Prime participation, 10% MBE, 5% WBE Subconsultant participation. RESOURCE MANAGEMENT, INC.: 15% MBE, 10% WBE Subconsultant participation. ESPEY HUSTON & ASSOCIATES, INC.: 10% MBE, 5% WBE Subconsultant participation. CAMP DRESSER & MCKEE, INC.: 10% MBE, 5% WBE Subconsultant participation. LOOMIS & ASSOCIATES, INC.: 10% MBE, 5% WBE Subconsultant participation.

**Resolution No. 980514-25 approved**

**Items 15 through 25 approved on Council Member Spelman's motion, Council Member Griffith's second, 7-0 vote.**

## **SOLID WASTE SERVICES**

26. Amend Ordinance 970915-A, the 1997-98 Capital budget of the Solid Waste Services Department, increasing appropriations by \$1,360,000 to purchase automated garbage trucks and recycling trucks. (Funding is available in contractual obligations to be issued in September, 1998.) [Recommended by Planning Commission]

**Motion to approve on Council Member Goodman's motion, Mayor Pro Tem Garcia's second**

**No vote taken**

**Substitute motion to postpone until reviewed by Solid Waste Advisory Commission on Council Member Lewis Motion, Mayor Pro Tem Garcia's second, 7-0 vote.**

27. Approve a resolution authorizing official intent to reimburse \$1,360,000 in expenditures made to purchase garbage trucks and recycling trucks and amend the 1997-98 two-year proposed debt sale by adding \$1,360,000 in contractual obligations.

**Postponed**

28. Approve a resolution authorizing execution of a contract with ECOGAS CORPORATION, Austin, Texas, for the lease of gas rights from the City of Austin FM 812 Landfill. (Estimated revenue is \$12,190 per year; \$3,045 is anticipated to be received during the current fiscal year.) Single bid. No M/WBE Subcontracting opportunities were identified.

**Resolution No. 980514-28 approved on Council Member Spelman's motion, Council Member Griffith's second, 7-0 vote.**

## **ITEMS FROM COUNCIL**

29. Approve a resolution authorizing the City Manager to send Water and Wastewater representatives to assist our Sister City Saltillo as per their request. (Mayor Pro Tem Gus Garcia)

**Postponed to May 21, 1998**

30. Approve an Ordinance declaring June 6, 1998 as "Barton Creek and Barton Springs Day" and waive admission fees to Barton Springs Pool. (Council Member Jackie Goodman)

**Ordinance No. 980514-B approved**

31. Approve a resolution extending the term of the Information Management and Technology Commission. (Council Members William Spelman and Daryl Slusher)

**Resolution No. 980514-31 approved**

Items 30 and 31 approved on Council Member Spelman's motion, Council Member Griffith's second, 7-0 vote.

32. Authorize the negotiation and execution of a contract in an amount not exceed five million dollars with S.N.K. - J.P.I. Brodie Ltd. Partnership for the acquisition of approximately 76.682 acres of land generally known as the H.E. Brodie tract located on Loop 360 South near the intersection of Lamar Boulevard and Loop 360 South in an area subject to the Save Our Springs Initiative. (Council Member Daryl Slusher) [Related to Item 46]

**Motion to approve on Council Member Slusher's motion, Council Member Griffith's second, 5-0 vote, Council Members Griffith and Slusher off the dais.**

#### **4:30 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES**

33. C14-97-0146 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as North Lamar Blvd. and Guadalupe St. from "UNZ", Unzoned to "GR-MU", Community Commercial -Mixed Use zoning. Planning Commission Recommendation: To Deny "GR-MU", Community Commercial-Mixed Use District zoning. Applicant: General Land Office of State of Texas (Bob Hewgley). City Staff: Don Perryman, 499-2786. (Continued from 4/30/98, 5/7/98) [Related to Item 11]

**Motion to suspend rules and allow 45 minutes apiece for presentation by applicant and opposition in addition to 30 minutes apiece for the pro and con public testimony on Mayor Pro Tem Garcia's motion, Council Member Slusher's second, 7-0 vote.**

**Motion to close public hearing on Council Member Griffith's motion, Council Member Lewis' second, 5-0 vote, Council Members Griffith and Lewis off the dais.**

**Motion to deny on Councilmember Spelman's motion, Council Member Slusher's second, 7-0 vote.**

**Items 11 and 33 were denied citing non-compliance with sections 13-2-220 and 13-5-42.**

34. C14-98-0005 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 2305 Rio Grande Street from "MF-4", Multi-Family Residence (Moderate-High Density) to "GO-MU", General Office-Mixed Use. Planning Commission Recommendation: To Grant "GO-MU-CO", General Office-Mixed Use-Conditional Overlay District zoning with conditions. Applicant: 2305 Rio Grande Joint Venture (Bill Roland, Manager). City Staff: Don Perryman, 499-2786. Approved first reading only with GO-MU-CO zoning as recommended by Planning Commission (NOTE: Check with Commissioner Baker on the value of old versus historic as it relates to her motion)

**Ordinance No. 980514-B approved**

35. C14-98-0021 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 12424 Scofield Farm Drive from "MF-2", Multi-Family Residence (Low Density) to "GR-CO", Community Commercial-Conditional Overlay District. Planning Commission Recommendation: To Grant "GR-CO", Community Commercial-Conditional Overlay District zoning with conditions. Applicant: Parmer Lane Baptist Church (Edgar W. Hudgins); Agent: Vince Huebinger. City Staff: Don Perryman, 499-2786.

**Ordinance No. 980514-C approved**

36. C14-98-0027 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 11320 FM 2222 Road, from "I-SF-2", Interim Single Family Residence (standard lot) to "GR", Community Commercial. Planning Commission Recommendation: To Grant "GR-CO", Community Commercial-Conditional Overlay District zoning with conditions. Applicant: Joel H. & Elena Smith, Agent: Amelia Lopez-Phelps. City Staff: David Wahlgren, 499-6455. Postponed to May 21, 1998, at request of applicant's agent.

37. C14-98-0036 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 12108 & 12112 Roxie Drive, from "I-SF-2", Interim Single Family Residence (standard lot) and "GR-CO", Community Commercial-Conditional Overlay to "LI-CO", Limited Industrial Services-Conditional Overlay. Planning Commission Recommendation: To Grant "LI-CO", Limited Industrial Services-Conditional Overlay District zoning with conditions. Applicant: Roxie Drive Partnership, Agent: Republic Commercial Properties (Douglas Hodge). City Staff: David Wahlgren, 499-6455.

**Approved Planning Commission recommendation first reading only.**

**Items 34 through 37 approved on Councilmember Spelman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.**

## PUBLIC HEARINGS

38. 4:30 P.M. - Public hearing to amend Chapter 13-2 of the Austin City Code by amending a restrictive covenant for Ecomat of Austin located at 2915 Guadalupe Street. Existing zoning: "CS" General Commercial Services. (Recommended by Planning Commission). [Council Member Jackie Goodman and Mayor Kirk Watson]  
**Motion to close public hearing on Council Member Slusher's motion, Council Member Spelman's second, 7-0 vote.**
39. 6:00 P.M. - Public hearing on a variance request by Alice Fishel to construct a storage shed at 6704 Shady Cedar Drive in the 25 year floodplain.  
**Motion to close public hearing on Mayor Pro Tem Garcia's motion, Council Member Slusher's second, 7-0 vote.**
40. 6:30 P.M. - Public hearing on the proposed limited purpose annexation of the Motorola Lease Consolidation Project site.  
**Motion to close public hearing on Mayor Pro Tem Garcia's motion, Council Member Slusher's second, 7-0 vote.**
41. 7:00 P.M. - Public hearing on proposed amendments to the 1997-98 Community Development Program and the Consolidated Plan in to reprogram an amount not to exceed \$1,576,968 in CDBG funds, as required by the Citizen Participation Plan, federal regulations governing HUD grants, and Chapter 373 of the Texas Local Government Code.  
**Motion to close public hearing on Mayor Pro Tem Garcia's motion, Council Member Spelman's second, 6-0 vote, Council Member Slusher off the dais.**

## ACTION ON PUBLIC HEARINGS

42. Amend Chapter 13-2 of the Austin City Code by amending a restrictive covenant for Ecomat of Austin located at 2915 Guadalupe Street. Existing zoning: "CS" General Commercial Services. (Recommended by Planning Commission). [Council Member Jackie Goodman and Mayor Kirk Watson]  
**Ordinance No. 980514-D approved on Council Member Goodman's motion, Council Member Slusher's second, 7-0 vote.**
43. Approve or deny a variance request by Alice Fishel to construct a storage shed at 6704 Shady Cedar Drive in the 25 year floodplain.  
**Motion to deny variance request on Mayor Pro Tem Garcia's motion, Council Member Spelman's second, 7-0 vote.**

## EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session held at 12:35 p.m. till 2:45 p.m.

Executive session held at 3:35 p.m. to 4:05 p.m.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

**Private Consultation with Attorney – 551.071**

44. Discuss IBC Partners, Ltd., and Foster Family Land Ltd. vs. The City of Austin, Cause No. 97-05393, Travis County District Court.
45. Discuss Quick, et al. v. City of Austin, et al{.,} Cause No. 96-1154, Texas Supreme Court

**Real Property – Section 551.072**

46. Discuss the purchase of approximately 76.682 acres of land generally known as the H.E. Brodie tract located on Loop 360 South near the intersection of Lamar Boulevard and Loop 360 South in an area subject to the Save Our Springs Initiative. (Related to Item 32)  
**SEE ACTION TAKEN ON ITEM 32.**

**Personnel Matters – Section 551.074**

47. Discuss evaluation of City Clerk
48. APPOINTMENTS

Brackenridge Hospital Oversight Council - GARDIE REED (CONSENSUS); MARK GENTLE (CONSENSUS)

Child Care Council - LEONARD SAENZ (COUNCIL MEMBER SPELMAN); JILL MCRAE (REAPPOINTMENT-COUNCILMEMBER SLUSHER)

Library Commission - MIKE CLARK-MADISON (COUNCILMEMBER SLUSHER)

Medical Assistance Program Advisory Board - DR. WALTER LEVERICH (CONSENSUS)

Urban Forestry Board - MARIA SANCHEZ (MAYOR PRO TEM GARCIA) Approved on Council Member Spelman's motion, Council Member Griffith's second, 7-0 vote.

**ADJOURNED at 9:45 p.m. on Council Member Griffith's motion, Council Member Goodman's second, 6-0 vote, Council Member Slusher off the dais.**

**Approved the minutes for Regular Meeting of April 30, 1998, Special Called Meeting of May 12, 1998, Worksession of May 13, 1998, and Regular Meeting of May 14, 1998, on this the 21st day of May 1998 on Mayor Pro Tem Garcia's motion, Councilmember Lewis' second, 5-0 vote, Councilmembers Goodman and Spelman off the dais, Special Called Meeting of April 22, 1998, postponed.**